

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

CONRAD MINSHALL,	)	Case No.: 5:10-CV-04745-LHK
	)	
Plaintiff,	)	
	)	
v.	)	ORDER TO SHOW CAUSE WHY CASE
	)	SHOULD NOT BE DISMISSED FOR
NETWORK APPLIANCE, INC. EMPLOYEE	)	FAILURE TO PROSECUTE
BENEFIT PLAN, and STANDARD	)	
INSURANCE COMPANY,	)	
	)	
Defendants.	)	
	)	
	)	
	)	

Plaintiff Conrad Minshall filed a complaint on October 20, 2010, seeking benefits under an ERISA long term disability plan. Plaintiff filed a First Amended Complaint ("FAC") on January 14, 2011. ECF No. 8. Defendants filed an answer to the FAC on February 18, 2011. ECF No. 11. At the initial case management conference a case schedule was set, including a motions for adjudication hearing date of January 12, 2012. Case Management Order, ECF No. 15. The parties requested a continuance of the January 12, 2012 hearing date. ECF No. 24. In response, on November 4, 2011, the briefing schedule on the motions for adjudication was reset as follows:

Opening briefs due February 9, 2012.  
Opposition briefs due February 23, 2012.  
Reply briefs due March 1, 2012  
Hearing Date is March 15, 2012.

1 See ECF No. 25, *see also* Case Management Order, November 30, 2011, ECF No. 29. The  
2 deadline to file motions for adjudication has passed, and neither party has filed a motion pursuant  
3 to the Court's scheduling order. Accordingly, the March 15, 2012 hearing date is VACATED.

4 The Court has not heard from the parties since the November 30, 2011 case management  
5 conference. Indeed, neither party has filed anything indicating whether they have reached a  
6 settlement, or whether Plaintiff intends to pursue this case. Therefore, the Court hereby ORDERS  
7 Plaintiff to show cause why this case should not be dismissed for failure to prosecute. This Order  
8 does not authorize either party to file untimely motions for adjudication.

9 Plaintiff has until **February 23, 2012** to file either a stipulated dismissal or a response to  
10 this Order to Show Cause. A hearing on this Order to Show Cause is set for **Thursday, March 15,**  
11 **2012 at 1:30 P.M.** Plaintiff's failure to respond to this Order and to appear at the March 15, 2012  
12 hearing will result in dismissal for failure to prosecute.

13 **IT IS SO ORDERED.**

14 Dated: February 14, 2012

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16 LUCY H. KOH  
17 United States District Judge  
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